

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR AN ARREST WARRANT**

I, Kurt J. Dirker, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

**Introduction**

1. I have been employed as a Special Agent of the Federal Bureau of Investigation ("FBI") since July of 2011 and am currently assigned to the Cleveland Division, Akron Resident Agency. I graduated from the FBI Academy in Quantico, Virginia, where I received training in the conducting of criminal investigations by the FBI. I am presently assigned to work a variety of criminal matters, including the investigation of white collar cases, bank robberies, parental kidnapping matters, and other violations of Federal law. I have an Associate of Applied Science degree in Criminal Justice, A Bachelor's degree in Political Science, and a Master's degree in Human Resources Training and Development. Prior to my employment as a Special Agent with the FBI, I was a Police Officer/Detective with the Cuyahoga Falls, Ohio Police department for over eleven years.

2. As a Special Agent, I am a Federal Law Enforcement Officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, a government agent engaged in the enforcement of criminal laws of the United States and thereby authorized to request the issuance of federal warrants. As a Special Agent, I have participated in the execution of arrest warrants, and I have been involved in FBI applications for arrest warrants and search warrants in other matters.

3. The statements contained in the Affidavit are based upon, among other things, my personal participation in this investigation, information provided by local law enforcement agencies, information provided by the Federal Bureau of Investigation's Public Access Line, my review of material obtained from these sources, and my experience and training. The Affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. This Affidavit is made in support of a Criminal Complaint and Arrest Warrant for JAMES DEREK MITCHELL in connection with Interstate Communication of a Threat, in violation of Title 18, United States Code, Section 875(c).

**Background**

5. On October 2, 2018, the FBI in Akron, Ohio began a criminal investigation into the actions of JAMES DEREK MITCHELL. The investigation revealed that MITCHELL, a resident of Kent, Ohio, made a threat to a Municipal Court Judge seated in a jurisdiction located in the Northern District of Ohio, Eastern Division. Specifically, on September 29, 2018, MITCHELL called the FBI Public Access Line located in Clarksburg, West Virginia, to make a complaint. During MITCHELL's call, he stated he intended to harm the Municipal Court Judge, assigned to MITCHELL'S criminal case. MITCHELL identified the judge by name.

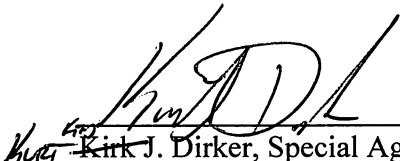
**Probable Cause**

6. On October 2, 2018, I contacted the FBI's Public Access Line to obtain a copy of the recorded complaint made by MITCHELL on September 29, 2018. During the call to the Public Access Line, MITCHELL identified himself by name to the call taker. MITCHELL provided the location from where he was making the call and identified it as his home address which is located in Kent, Ohio. During the course of MITCHELL'S complaint, he stated he will "knock that m\*\*\*\*\*r upside the head," referring to what he will do to the judge who is handling his case should he be found incompetent. Near the end of the call, MITCHELL insisted on providing his alphanumeric municipal case number to the call taker. After providing each letter included within the case number, MITCHELL utilized a mock phonetic alphabet designed to differentiate similar sounding words. After including the letter "K", MITCHELL stated "Kiss your as\*\* goodbye Judge (name of judge)."


**CONCLUSION**

7. Based on the totality of the facts and circumstances set forth herein, and based upon my training and experience, I submit that there is probable cause to believe, and I do believe, that JAMES DEREK MITCHELL made this call for the purpose of issuing a true threat, or made this call with knowledge that it would be viewed as a threat, and that in so doing he has committed the offense of Interstate Communications of a threat, in violation of Title 18, United States Code, Section

875(c). Accordingly, I respectfully request that the Court issue a warrant authorizing the arrest of JAMES DEREK MITCHELL.

  
Kirk J. Dirker, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 10<sup>th</sup> day of October, 2018.

  
KATHLEEN B. BURKE  
United States Magistrate Judge